

## CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

June 11, 2013

### POST SUMMARY MINUTES

PRESENT: Chairman Jeffrey E. Turner, Vice-Chairman Michael Edmondson, Commissioner Sonna Singleton, Commissioner Gail Hambrick, Commissioner Shana M. Rooks, and Clerk Shelby D. Haywood.

1. Chairman Turner called the meeting to order.
2. Invocation was led by Pastor LaVoris L. Holloway of Grace Church International at Clayton in Rex, Georgia. Pledge of allegiance to the flag was led by Chairman Turner.
3. Amended the agenda by deleting item #20 (Resolution 2013-157 – A Resolution providing for the adoption of the County's budget for Fiscal Year Ending June 30, 2014; to provide for the appropriation of expenditures and recognition of anticipated funding sources; to provide for the circumstances under which the budget may be amended by the Board of Commissioners, the Chairman, or the Chairman's designee; to provide an effective date of this resolution; and for other purposes). Clerk Haywood announced that an Executive Session would be held to discuss litigation, personnel, and real estate matters. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the June 4, 2013 Regular Business Meeting minutes. Vote unanimous.
5. PUBLIC COMMENT: Citizens will be given a three (3)-minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Following thirty minutes of hearing from the public, the Board of Commissioners will allow the remainder of citizens who have signed up to be heard at the next Tuesday business meeting.

1) Dr. Henry Anderson, a Clayton County resident, gave his final summation on addressing the problems, issues, and concerns on Tara Boulevard. He stated that he sent an email letter to Commissioner Dana Lemons of the Georgia Department of Transportation concerning the longstanding problems of the state roads, highways, and streets in Clayton County. Dr. Anderson said if he receives any correspondence from GDOT, he will forward it to the Board. He presented and reminded Commissioner Rooks of her Open Letter to constituents when she was running for the Clayton County Commission and quoted this excerpt from Commissioner Rook's letter: ***"It's time to stand up for what we deserve as constituents, as taxpayers, as homeowners, as concerned citizens as mothers, and fathers and as dignified people. It's time for a change, but we cannot change what we do not confront. I encourage you all to be steadfast in ensuring that your government works for you. Old things must pass away for newness to be birthed in this County."*** Dr. Anderson noted that he had

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brought his concerns and issues to the Board over the past eleven (11) weeks and still had not received a direct response from the Board members who had promised during their campaign that they would be there for the citizens of Clayton County. He also reminded Commissioner Rooks of her promises to protect home values and strengthen code enforcement to improve the appearance of major corridors. He affirmed that he had brought to the Board's attention several months ago his suggestions to provide additional Code Enforcement officers for residential properties and commercial businesses to enforce non-compliance and violations of the County's code. Dr. Anderson stated that his suggestions and solutions have been ignored with no action or feedback. He presented an article from **Clayton News Daily** regarding Lovejoy Mayor Bobby Cartwright, City Attorney L'Erin Barnes and the City Council approving an ordinance to regulate the number of pawn shops in the city. He stated Clayton County has a proliferation of pawn shops and tire stores on Tara Boulevard and the Board should work with Interim County Attorney Jack Hancock and other legal attorneys to obtain a similar ordinance. Dr. Anderson concluded that when he revisits the Board going forward, he will be presenting facts about what the Board said it will do for the citizens of Clayton County. He thanked the Board for its time and attention to his concerns.

2) Anthony Hill stated he bought a house last year in Tara Lake Subdivision and is trying to get Clayton County Water Authority to maintain its stormwater run-off system. He stressed there has been no maintenance for stormwater run-off for approximately twenty (20) years and he is paying \$3.75 a month on his water bill for non-maintenance. Mr. Hill stated that the precipitation from the recent rain had his backyard looking like the Mississippi River. Due to the non-maintenance of the stormwater run-off, the overflow of water is causing a build-up of leaves and trash in ditches around his property. He also stated that people are throwing trash over into the ditches causing the subdivision to look bad, and he requested to get some assistance from the Board in getting this issue resolved.

Chairman Turner told Mr. Hill to give his information to Transportation and Development Director Jeff Metarko, Chief of Police Greg Porter or Major Doug Jewett to assess the situation.

3) Timothy Jefferson expressed his concerns regarding the June 4, 2013 Regular Business Meeting. He stated there were some concerns he felt should have been dealt with behind Executive doors and not brought forth to the public. Mr. Jefferson spoke considerably about consumer confidence as Clayton County moves forward in the spirit of excellence. The county has just overcome issues such as Clayton County Public Schools' loss of accreditation (which is back in place). He noted how the county high schools have received national recognition which is great marketing for the County. Mr.

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Jefferson expressed that when the Board comes before the public with disingenuous issues and cannot come together, it is looked upon as the “laughing stock of Clayton County.” He reminded the Board that it has a fiduciary responsibility to the citizens of Clayton County. In closing, Mr. Jefferson commented that the commissioners must be able to act in a manner that maintains their integrity and independence, and meets the needs and interests of those they represent. Commissioners must be aware of their obligation to conform their behavior to standards of ethical conduct that warrants the trust of their constituents.

4) Linda Summerlin, Executive Director of Arts Clayton, shared with the Board that after twenty (20) years of sponsoring the Kaleidoscope Camp and Young Teen Camp, the camp has reached capacity for the first time. She stated that this shows the community is moving forward in some ways and there are parents and grandparents who want their children/grandchildren to have excellent art instruction during the summer. Ms. Summerlin emphasized it is time to find a second location to continue the camp to serve all the citizens of Clayton County. She extended an invitation to the Board to attend the Arts Clayton Grand Finale on Friday, June 10, 2013 and also provided goodie bags and T-Shirts for the Board along with the Arts Clayton Grand Finale invitation. In closing, Ms. Summerlin thanked the Board for its support of and investment in Arts Clayton.

5) C-LOS, CEO of Zonum Media Group, introduced his media company that brings empowerment and encouragement to people and their families through well-produced television, music and literary media. He stated that his company will be putting on a Dinner Theatre Variety Show at the Improv Atlanta on July 21, 2013. His wife informed the Board and the public who were interested in attending a show that Adult Tickets are \$40.00 and Children Tickets are \$25.00. C-LOS noted that he had talked to Chairman Turner about bringing the show to Clayton County and his goal was to bring families together through fun entertainment. He thanked the Board for its time and attention and reiterated he is looking forward to bringing the show to Clayton County.

6) Steven Melton, of 112 Lundy Lane in Jonesboro, Georgia off of Highway 138 and Kendrick Road, made a complaint regarding trash build-up in his community. He noted that a building site had stopped construction right along the entrance of his subdivision and now the site has accumulated a large amount of trash. Mr. Melton stated that he did not know who is responsible for cleaning up the trash along Kendrick Road, but he would like some assistance on getting the situation resolved.

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Chairman Turner told Mr. Melton to give his information to Chief Police Greg Porter so that he could send Code Enforcement out to assess the area.

7) Jeffery Benoit requested the Board to revisit policies and regulations that have run Clayton County. He mentioned that there are a lot of gray areas where attempting to overt the laws would not stop them because the law has not been tweaked to close the gaps. Mr. Benoit noted that he has had situations in the past where homes were given a Certificate of Occupancy without an inspection. If the homes cannot be inspected, then they should not be occupied. Regulations need to be annotated so the county will not have substandard work being done and the citizens are not victimized because someone failed to do his job and yet still gets paid. Mr. Benoit commented on business openings on Tara Boulevard, Highway 42 and Rex Road that do not fit the aesthetics of that area. In conclusion, he stated that the policies need to be rewritten to prevent homes and businesses from being built with substandard materials.

Chairman Turner welcomed and recognized the presence of the county's new Chief Operating Officer Arrelle Anderson in the audience.

6. PROCLAMATION: "Clayton County Recognizes Jonesboro High School for being Named among the Best Nationwide" (presented by Commissioner Michael Edmondson).

7. PROCLAMATION: "Clayton County Recognizes Lovejoy High School for being Named among the Best Nationwide" (presented by Commissioner Shana M. Rooks).

Commissioner Singleton stated that Forest Park High School, which she and Commissioner Hambrick represent, was previously included in the Proclamations, but the honorees could not attend tonight's meeting due the loss of Principal Derrick Manning's wife.

[NOTE: Group photos were taken of the honorees and Board. Clerk Haywood read the proclamation for the benefit of the honorees, Board and audience.]

8. PRESENTATION: "Forest Action Plan/Firewise Prescribes" (presented by Allison Segrest, Georgia Forestry Commission Communications Specialist).

Allison Segrest, Georgia Forestry Commission Communications Specialist, presented a brief overview of the agency. The agency works in all 159 counties with Clayton County, with five (5) Forest rangers

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and one (1) Chief Ranger who are dedicated to the county to ensure the success of the Forest Action Plan. She noted that a packet had been left with the Board members to give them information on the Georgia Forestry Commission. After hearing from county constituents and talking to the county rangers about how to best serve the county, the agency wants to help with grants and stormwater mitigation through the Sustainable Urban Forestry Council. Ms. Segrest did not believe the agency was prevalent in Clayton County, but it wanted to be here to serve, educate and protect the forest. Urbanization is probably going to be the biggest focus for the Forest Action Plan since Clayton County does not have that much forest. The Georgia Forestry Commission can prioritize urbanization and assist in obtaining grants and federal funding. The first page of the packets gives the Board information on Georgia Forestry Commission services. Ms. Segrest stated that a lot of people think of Georgia Forestry as “Smokey the Bear” and the agency has responded to two (2) wildfires in the county thus far in 2013 due to debris burning. This agency also offers other services: Forest Fire Protection and Prevention (wildfire mitigation advice and risk assessment for homes and communities), Forest Management (cost-share and conservation program assistance through federal programs), Reforestation, Sustainable Community Forestry Program (community tree care and benefits, nature services and education, training and management of working forests in the Wildland-Urban Interface) and Forest Utilization.

Per Ms. Segrest, the agency is very dynamic in working with eight (8) major threats that affect forestland. The statewide assessment deemed these threats as: (1) Water Quality and Quantity, (2) Urbanization, (3) Forest Health, (4) Biodiversity, (5) Air Quality, (6) Fire Management, (7) Fragmentation and Parcelization and (8) Economic and Changing Markets. Landowners can apply for an Invasive Species Cost-Share which is federally funded to combat these threats. Many of the agency programs can be up to ninety-five percent (95%) federally funded. The county specifics for Invasive Species are Kudzu and Privet and the agency will manage that for the county for free. She also brought to the Board’s attention that the Georgia Forestry Commission offers the Tree City USA program which provides assistance and national recognition to the community by supporting the framework for a sustainable urban forest. This program reduces costs for energy, erosion control, cuts energy consumption and boosts property values. The Georgia Forestry Commission also offers the Making the Shade Program (urban city grant) designed to create healthier, shaded areas for elementary schools and communities with financial assistance up to \$5,000.00 to help with energy conservation and reduce surface temperatures.

9. Theodis Locke, Director of Central Services/Risk Management, presented four (4) items that resulted in the following Board actions.

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(NOTE: The entire Purchasing Ordinance for Clayton County, Georgia can be viewed on the MuniCode website. Citizens can access this website via the following website address: <http://library.municode.com/index.aspx?clientId=10562>.)

1) Approved **RFP PKG #08-16 Inmate Health Care for the Jail Facility at the Harold R. Banke Justice Center, Contract Amendment**, as requested by the Sheriff's Office. The recommendation is to amend the current contract with CorrectHealth Clayton, LLC, located in Stockbridge, Georgia for a year extension of health care services at the Harold R. Banke Justice Center. Funding is available through the General Fund. Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00, and the Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

CorrectHealth Clayton, LLC was awarded this contract by the Board of Commissioners on August 5, 2008 and has agreed to accept the amendment.

2) Approved **RFP PKG #10-05 SPLOST Project Management and Consultant Services for One (1) Police Precinct and Renovations, Library, Multi-purpose Fire Building and Animal Control Facility**. This request is for a second contract amendment to the current contract with Silverman Construction Program Management, located in Atlanta, Georgia, to exercise the optional three (3)-year renewal term of the contract. This contract will also be amended to add the new 2009 SPLOST Fueling Station project. Silverman Construction has provided limited project management for the Fueling Station and it is cost effective and timely to have this company perform the full project management services for the development of this project. Silverman Project Management cost will remain the same as currently contracted, at 3.55% of the approved budget and a reimbursable expense that shall not exceed \$300.00 a month for each project. Funding is available through the 2009 SPLOST project funds. Per Section 2-136 (2) of the Clayton County Purchasing Ordinance, Clayton County utilizes the competitive sealed proposal method when the competitive sealed bid method is neither practical nor advantageous and when cost is not the primary consideration. The competitive sealed proposal method will be used when the costs of goods and services exceed \$25,000.00, and the Board of Commissioners makes the final award for all non-budgeted proposals of \$35,000.00 and greater. Vote unanimous.

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Silverman Construction Program Management was approved as the Project Manager by the Board of Commissioners on August 3, 2010 to provide services on the above-designated SPLOST projects.

3)      **Approved Legislative Request for Excess Workers' Compensation Insurance Coverage Renewal**, with an amendment to the budget as necessary for the period of July 1, 2013 through July 1, 2014. This renewal will have a premium rate increase of 12% due to the cost of reinsurance for the industry and the county's loss history (a \$175,169.00 premium rate this year compared to a \$156,018.00 premium rate last year). The recommendation is to renew the contract with the county's current carrier, Midwest Employers Casualty Company, which provided the lowest quote compared to three (3) other insurance carriers' quotes.   Vote unanimous.

This request will grant approval for the Chief Financial Officer to amend the budget as necessary.

The coverage protects the County in the event a Worker's Compensation claim exceeds \$600,000.00 for Police and Firefighters and \$500,000.00 for all other employees.

4)      **Approved Legislative Request for Employment Practices Liability Insurance Renewal**, with an amendment to the budget as necessary for the period of July 1, 2013 through July 1, 2014. This renewal will include a liability of \$1,000,000.00 and a statutory of \$500,000.00 as well as \$10,000,000.00 per occurrence and \$20,000,000.00 aggregate at a slightly reduced premium for the upcoming policy period. The recommendation is to renew with the county's current carrier, XL Indian Harbor Insurance, which offers a .87% reduction (from \$331,840.00 last year to 328,992.56 this year). Savings to the county amount to \$2,847.44.   Vote unanimous.

This request will grant approval for the Chief Financial Officer to amend the budget as necessary.

The Employment Practices Liability Insurance provides insurance coverage for claims against the County alleging discrimination, sexual harassment, or wrongful termination of employees, former employees, or applicants of the County.

Five carriers, including the incumbent XL Indian Harbor, were approached for quotes and all declined except the incumbent.

10.     Ramona Thurman, Chief Financial Officer, presented three (3) Budget Amendments which resulted in these Board actions.

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1) Approved Budget Amendment #2-65 – Other General Government/FYE 6-30-13, in the amount of \$29,660.00, to cover the cost of replacing a vehicle where the repair cost exceeds the value of the vehicle. Vote unanimous.

2) Approved Budget Amendment #2-66 – Library/FYE 6-30-13, in the amount of \$15,242.00, to amend in funds from the Georgia Public Library Service used for books and materials. Vote unanimous.

3) Approved Budget Amendment #2-68 – Sheriff/FYE 6-30-13, in the amount of \$26,269.00, to amend in remaining SCAP grant monies that have been received by the county jail to care for and support the inmate population. Vote unanimous.

11. Renee Bright, Director of Human Resources, presented two (2) requests which resulted in the following Board actions.

1) Approved a request to renew Self-funded Medical Excess Coverage for the period of 07/01/2013-05/31/2013 with the county's current provider, HCC Life Insurance. This is an eleven (11)-month period in order to match this policy with the county's medical plan year which is June 1 to May 31. The request also includes reducing the County's retention from \$500,000.00 to \$175,000.00. Vote unanimous.

This coverage is to provide protection to the County in the event of large medical claims since the county is self-funded on this medical plan.

HCC Life quoted a policy with a \$175,000.00 self-insured retention (the County will be responsible for the first \$175,000.00 of each covered member's claims). If a claim exceeds \$175,000.00, the County will receive reimbursements for the remainder of the policy period on that claim. The current policy has a \$500,000.00 self-insured retention. Had the County's retention been \$175,000.00 this year, the County would have received over \$310,000.00 in reimbursements as the County has had two large claims with each exceeding \$300,000.000 and a third claim that is over \$100, 000.00.

This policy is paid from the Self-funded Medical Plan fund (not the General Fund). The annual cost for policy renewal with \$175,000.00 retention is \$412,041.00. Our current policy with \$500,000.00 retention is \$204,775.00. The difference is \$207,266.00.



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2) Approved a request for the Board of Commissioners' approval of a re-classification request in Transportation and Development through deleting positions, creating positions, and reclassification of certain positions. Vote unanimous.

Over the past few years, the Transportation and Development has placed an increased emphasis on managing the maintenance requirements of existing infrastructure. The reclassification, which mainly affects the Public Works Division, improves operational efficiencies, clarifies work crew responsibilities, streamlines supervision, and refocuses job responsibilities towards maintenance functions. Through resignations and recent retirements this organization modification can be accomplished through add/delete and reclassifications of existing positions.

#### **Deletions**

Public Works Superintendent  
Civil Engineering Inspector IV  
Engineering Technician VI  
Civil Engineering Inspector III (3positions)  
Signal Technician IV  
Public Works Supervisor  
Equipment Operator III (4 positions)  
Engineering Technician III

#### **Additions**

Civil Engineer II  
Systems Administrator  
Engineering Technician V (4 positions)  
Engineering Technician IV (2 positions)  
Public Works Foreman (4 positions)  
Truck Driver I  
Crew Worker I

#### **Reclassifications**

Public Works Supervisor – Grade Change  
Public Works Foreman – Grande Change  
Equipment Operation III to Field Services Technician

This request will not require any additional funding and will result in a small savings to the County. Transportation and Development estimates salaries alone will save \$2,084.00.

12. Accepted Ordinance 2013-149 (**1<sup>st</sup> Reading**), an Ordinance adopted under the Home Rule Powers specifically granted to the governing authority of Clayton County pursuant to Article IX, Section II, Paragraph I (B)(1) of the Constitution of the State of Georgia of 1983, amending the Local Act of the General Assembly creating and composing the Clayton County Board of Commissioners and setting forth the general provisions governing Clayton County Government; to amend the Clayton

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County Code of Ordinances, as amended, specifically Part I, Article II, Section 2-4 "Meetings," Part II, Chapter 2, Article I, Section 2-4 "Meetings," Part II, Chapter 2, Article II, Section 2-32 "Days, Time and Place of Zoning Meetings," and Section 2-34 "Days, Time of Business Meetings"; to remove conflicting language contained elsewhere within the Clayton County Code of Ordinances; to provide an effective date of this ordinance; and for other purposes.

Interim County Attorney Jack Hancock stated that he would read Ordinance 2013-149 first because it was just a 1st reading and it did not need a vote tonight. [NOTE: The Board will vote on Ordinance 2013-149 at the next Regular Business Meeting on June 18, 2013.]

13. Approved Ordinance 2013-150, an Ordinance to amend the Clayton County Civil Service Rules and Regulations, as amended, specifically to delete Rule 7.202 "Appointment Types," Subparagraph (C) "Temporary Appointments" and Subparagraph (D) "Part-Time Appointments" and to insert in lieu thereof new language as provided herein; to repeal any and all conflicting laws, ordinances, resolutions, rules and regulations; to provide for severability; to provide an effective date of this ordinance; and for other purposes. Vote unanimous.

14. Approved Resolution 2013-151, a Resolution authorizing Clayton County to submit substantial amendments of the Clayton County Neighborhood Stabilization Programs I and 3 to the U.S. Department of Housing and Urban Development; to authorize the Chairman to execute all necessary documents and otherwise to perform all acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

Vice-Chairman Edmondson questioned Community Development Director Patrick Ejike on strict programs not included in this Resolution and being procedural only. He wondered when the Commissioners could expect an opportunity to review specific programs.

Mr. Ejike replied that they can look at the program/projects while waiting for HUD to approve the request.

Vice-Chairman Edmondson then asked for a specific time.

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Mr. Ejike replied that he will take his lead from Chairman Turner on how to proceed in terms of NSP discussion.

Chairman Turner said the project that Vice-Chairman Edmondson is inquiring about is the Battle Creek project (apartment complex demolition removal) that definitely needs to be looked into as well as other projects. He wanted to ensure that he gets input from each commissioner on this project.

Vice-Chairman Edmondson questioned whether the Board should expect that within thirty (30) days or six (6) months or if the Board needed to wait for HUD approval before it moves forward.

Mr. Ejike stated that the department is in the process of drafting a proposal to the commissioners, and he will take the lead from Chairman Turner on how to proceed.

Once the list of projects is identified, Vice-Chairman Edmondson asked Mr. Ejike to identify when the Board would start the process.

Mr. Ejike replied that the projects can be released when the money comes in. He stated even if HUD approves expansion of this code, the department has to still go through its eligibility application process.

Vice-Chairman Edmondson asked how long this would take and if it were project specific.

Mr. Ejike stated that once the projects are listed and coded accordingly, the department will look at what amount of money is left. The county can start surveying the projects, because the department still has to confirm what can be done and what cannot be done. Next, the county has to wait for HUD approval in order to expand this code in terms of grant use.

Chairman Turner surmised that the county is moving at the speed of HUD.

Mr. Ejike stated that the Board has to understand that the Neighborhood Stabilization Program was a one-time grant operated on program income. The department is compiling information for Chairman Turner and the commissioners to understand the nuance of the grant.

15. Approved Resolution 2013-152, a Resolution authorizing Clayton County to partner with the University of Georgia in its "Work, Activity and Health" research project for the purposes of improving

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employee health; to authorize the Chairman to execute any necessary documents and to otherwise perform all other acts necessary to accomplish the intent of this resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

16. Approved Resolution 2013-153, a Resolution authorizing Clayton County to enter into a consultant agreement with TUSA Consulting Services providing for the terms and conditions under which professional radio communication services will be rendered; to authorize the Chairman to execute the agreement and otherwise perform any acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the agreement; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

17. Approved Resolution 2013-154, a Resolution authorizing Clayton County to enter into a grant award agreement with the Georgia Criminal Justice Coordinating Council and, in accordance therewith, accept grant funds (\$42,858.00, with a match of \$8,306.00) to be used in connection with the Victims of Crime Act (VOCA) and Clayton County Juvenile Court's Court Appointed Special Advocates (CASA) Program; to authorize the Chairman to execute the grant agreement and otherwise to perform all other acts necessary to accomplish the intent of the resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense, and to transfer any required match of local funds, all as may be required under the terms of the grant agreement; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

18. Approved Resolution 2013-155, a Resolution authorizing the Second Amendment of an Aging Subgrant Contract with the Atlanta Regional Commission providing for services to be rendered in connection with Older Adult Programs; to authorize the Chairman to execute the Second Amendment and otherwise to perform all other acts necessary to accomplish the intent of this resolution; to authorize the Chief Financial Officer to amend the budget where necessary to reflect an appropriate revenue source and expense; and to transfer any required match of local funds, all as may be required under the terms of the amendment; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

19. Approved Resolution 2013-156, a Resolution by Clayton County, Georgia authorizing the certification and submittal of the Clayton County, Georgia Municipal Separate Storm Sewer System Annual Report to the Georgia Environmental Protection Division ("EPD") on behalf of the

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Transportation and Development Department; to authorize the Chairman to execute all required documents and to otherwise perform all other acts necessary to accomplish the intent of the resolution; to provide an effective date of this resolution; and for other purposes. Vote unanimous.

Mr. Hancock requested an Executive Session regarding litigation, personnel, and real estate matters. The Board generally consented to have an Executive Session for the aforementioned reasons.

20. Accepted a Street Light Petition Addition to an Existing Street Light District in Cooper Lake Subdivision (Cooper Court). {**Commission District #3 -- Commissioner Shana M. Rooks**} Vote unanimous.

21. ZONING PETITION:

TowerCom V, LLC/Conditional Use Permit/8631 Kendrick Road/Case Number CUP201303-01

1) Motion by Vice-Chairman Edmondson, second by Commissioner Rooks, to approve the zoning petition of Larry Dingle and Harold Buckley, Jr. of Wilson, Brock, & Irby, LLC, on behalf of TowerCom V, LLC, requesting a conditional use permit from Article 3.21 General Business (GB) District for a Wireless Telecommunication Facility (cell tower) and a variance from Article 6.37 (TF-06) (A) (1) to reduce the setback from the property line due to the overall height of the proposed cell tower of 199 ft., which equals the distance required upon property located at 8631 Kendrick Road, and otherwise known as parcel number 13244D A006. The subject property contains approximately 1.64 acres. It is currently zoned GB and operated as a commercial business. This property was approved with the following stipulation: to install a concealed tower structure with a tree-like structure that will reduce the maximum height of the tower to 180 feet tall. Vote unanimous.

Before Mr. Harold Buckley, Jr. came forward to present the petition, Clerk Haywood asked if anyone were present in opposition. There was no one present in opposition to this petition.

Harold Buckley, Jr. of Wilson Brock & Irby, LLC, located at 2849 Paces Ferry Road in Atlanta, Georgia, stated he was present on behalf of TowerCom which had filed an application for a conditional use permit for property on Kendrick Road that is currently developed with its own repair facility. The cell tower will be a monopole tower at the rear of the property behind an existing building. He stated he has received recommendation from the staff and ZAG and, for the record, he asked that this application be approved.

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Vice-Chairman Edmondson asked Kc Krzic, Zoning Administrator, to speak on what the applicant agreed to on this application.

Ms. Krzic said the applicant agreed to the petition being a concealed structure (tree structure) of 180 feet in reduction.

Mr. Buckley stated he did not think this configuration was for this application.

Vice-Chairman Edmondson asked Mr. Buckley if he were O.K. with the configuration being for this application also.

Mr. Buckley replied yes, if that action would get this application approved. He stated it presented challenges and that he had an exhibit and could explain why.

Vice-Chairman Edmondson told Mr. Buckley that if he agreed to the stipulation due to the residential nature of the area, he would recommend that the Board approve this petition with the stipulation.

Commissioner Singleton questioned exactly where this location is.

Mr. Buckley said it is near the intersection of Kendrick Road and Flint River Road.

#### 22. ZONING PETITION:

##### TowerCom V, LLC/Conditional Use Permit/211 Highway 138/Case Number CUP201304-01

1) The Board deferred the zoning petition of Larry Dingle and Harold Buckley, Jr. of Wilson, Brock, & Irby, LLC, on behalf of TowerCom V, LLC, requesting a conditional use permit granted from Article 3.25 Neighborhood Mixed Use (NMX) District for a Wireless Telecommunication Facility (cell tower) upon 3.86 acres of undeveloped land located at 211 Highway 138 to the June 18, 2013 Regular Business Meeting. This deferral was based on a request to receive additional information regarding the total number of Metro PCS customers in the area and the benefits to them if this application were approved. **[Commission District # 4 – Commissioner Michael Edmondson]**

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Before Mr. Buckley came forward to present the petition, Clerk Haywood asked if anyone were present in opposition. Mr. Steven Melton stated that he was present in opposition to this petition. Clerk Haywood requested that Mr. Melton speak after Mr. Buckley had presented the petition.

Harold Buckley, Jr. of Wilson Brock & Irby, LLC, located at 2849 Paces Ferry Road in Atlanta, Georgia, stated he was present on behalf of TowerCom, which had filed an application for a conditional use permit for property located at 211 Highway 138. He presented the Board with an exhibit of two images of wireless network coverage as it currently exists without the towers and an image of the tower the Board just approved at the Kendrick location. He stated the reason that TowerCom is asking for both locations is because it has identified a gap in its coverage for this area. Mr. Buckley noted that he understood the stipulation that has been requested for the tower to be a concealed tree structure.

Mr. Melton stated he rose in opposition to this zoning petition. He informed the commissioners that he had a signed petition from other people who opposed. Chairman Turner directed Mr. Melton to give the signed petition to the Clerk. Mr. Melton stated that he checked out the towers and measured the distance on the two towers which were 1½ mile. Mr. Melton affirmed that there is already one cell phone tower on the end of Kendrick Road and now TowerCom wants to put a second tower at the beginning of Kendrick Road which will intersect each other as far as coverage is concerned. He did not think it is all about the coverage, because everyone he has spoken with in his neighborhood has coverage. Mr. Melton noted there are already fifteen towers within a three (3) mile radius of his neighborhood. The amount of radiation emitted from these towers over a period of time can be harmful to the residents' livelihood and decrease their property values.

Mr. Ronald Finley also rose in opposition to this zoning petition. He stated that the existing cell towers are right behind people's homes approximately 500 feet. Mr. Finley concluded that another cell tower will not be conducive to the neighborhood.

Mr. Harold Buckley responded to the opposition regarding public health, property values and proliferation. He stated that Clayton County is limited by the Federal Telecommunications Act of 1966 and read an excerpt from the relevant section of the act as follows: ***The regulation of placement construction and modification of personal wireless services by any state and local government shall not prohibit or have the effect of prohibiting provision of personal wireless services. Any decision by state or local government to deny a request to construct, place, or modify personal wireless services facilities shall be in writing and shall be supported by substantial evidence contained in a***

## CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

June 11, 2013

### POST SUMMARY MINUTES

**written record.** Mr. Buckley asked the commissioners to review the submitted materials under Tab E that speaks about wireless facilities and safety and gives a summary of the amount of energy generated from a cell tower. It generates less power than a Wi-Fi router, baby monitor and a cordless phone. He noted that he had forwarded a fact sheet by email to the planning staff earlier today. Mr. Buckley read a few points from the fact sheet as follows: ***The World Health Organization has conducted a review of all available studies and concluded that there is no scientific evidence that Radio Frequency signals from day stations and wireless networks cause adverse health effects; that is a position also taken from the National Cancer Institute and the U.S. Food and Drug Administration.*** In addition, he voiced the citizens' concerns about property values impact. From the submitted materials under Tab B and C, they included property values studies that have been conducted on TowerCom's behalf which looked at several hundred cell towers in Fulton and DeKalb Counties and found no correlation between the placement of cell towers and lower property values. Mr. Buckley alerted the commissioners that he had provided coverage maps in terms of proliferation under Tab A. He stated the coverage maps document the need for these towers, due to some areas having no coverage or very weak coverage. Many of these areas are residential in character. He submitted a letter along with the application explaining and quantifying the fact that current household trends are increasingly foregoing land lines whereas their only form of communication is wireless. In closing, Mr. Buckley requested the Board to approve this application based on the legal requirements and the evidence presented.

Following a lengthy discussion between the commissioners and Mr. Buckley, it was determined that additional information was needed. This petition was deferred to the June 18, 2013 Regular Business Meeting for a Board decision only because the public hearing had already been advertised and conducted.

Motion by Commissioner Rooks, second by Vice-Chairman Edmondson, to go into Executive Session in the Commissioners' Conference Room at 8:35 p.m. to discuss litigation, personnel, and real estate matters. Vote unanimous.

Motion by Commissioner Rooks, second by Chairman Turner, to go out of Executive Session at 10:10 p.m. Vote unanimous.

Motion by Commissioner Rooks, second by Vice-Chairman Edmondson, to reconvene the Regular Business Meeting in the Commissioners' Boardroom at 10:12 p.m. Vote unanimous.



CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting  
7:00 P.M.

June 11, 2013

POST SUMMARY MINUTES

There being no further business to discuss, motion by Commissioner Rooks, second by Chairman Turner, to adjourn the Regular Business Meeting of June 4, 2012 at 10:12 p.m. Vote unanimous.